

**ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD
MINUTES OF MEETING HELD NOVEMBER 16, 2005
PHOENIX, ARIZONA**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on November 16, 2005, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

- Sheriff Gary Butler, Chairman
- Deputy Director Gary Phelps, representing Director Dora Schriro
- Detective Robert Thompson
- Chief Patricia Huntsman
- Chief Jerry Sheridan
- Chief Pennie Gillette-Stroud, representing Director Roger Vanderpool
- Chief Jack Harris
- Ms. Laura Reckart, representing Attorney General Terry Goddard
- Sergeant Tamatha Villar
- Ms. Lisa Flores
- Mr. Joseph Duarte

Members Absent:

- Sheriff Clarence Dupnik
- Dr. Michael Polakowski

Staff in Attendance:

- Lyle Mann
- Bob Forry
- Lynn Larson
- Ted Brandon
- Steve Jacobs
- Curt Milam
- Sgt. Rick Watling
- Rosalee Fitch
- Ed Felix

Donna Freed
Maria Valtierra
Lois Sherlock

Assistant Attorney General
Diana Stabler

Guest Roster:

Charles Loftus, ASU
Andy Bacon, NARTA
John Russell, YCSO
Sam Weiss, CARLOTA
Terry Parish, SALETC
Larry Rodriguez, Tolleson P.D.
Monica Lanning, Phoenix P.D.
Dina Rodriguez, MVD
Paul Felice, ADC

A. CALL TO ORDER

Chairman Gary Butler convened the meeting at 10 a.m.

B. INTRODUCTIONS AND RECOGNITIONS

Sheriff Butler presented Deputy Director Lyle Mann and Compliance Specialist Ted Brandon with 10 year pins, and thanked them for the excellent jobs they have done as POST staff members.

Deputy Director Mann announced that Ms. Laura Reckart, representing the Attorney General's Office, will be leaving the Board. He thanked her for her outstanding service to the Board and wished her good luck in her new position at the Maricopa County Attorney's Office.

C. CONSENT AGENDA

Approved unanimously, motion made by Ms. Flores, seconded by Chief Sheridan.

1. Minutes of the Regular Board meeting, held on September 21, 2005, were approved as written.
2. Minutes of the Charging Board meeting, held on October 19, 2005, were approved as written.

3. The next scheduled Regular Board meeting is Wednesday, January 18, 2006, 10 a.m. at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

4. Ministerial Actions:

- a. Certification Waivers: The following individual(s) have met the requirements set forth in AZ POST Rule R13-4-110 and have successfully completed the testing process and verification by AZ POST staff. Therefore, upon Board direction, certified peace officer status has been granted to:

Damian J. Baynes	Phoenix Police Department
Stoney E. Blair	Florence Police Department
Paul A. Carmazzi	Peoria Police Department
Jason B. Christofferson	Peoria Police Department
Dean R. Erb, Sr.	AZ Department of Insurance
Arthur H. Evans, IV	Camp Verde Marshal's Office
Gary L. Gale	Greenlee County Sheriff's Office
Kristina A. Green	Goodyear Police Department
Kenneth T. Oliveri	Paradise Valley Police Department
Lance D. Ledford	Gilbert Police Department
Andrew R. Reyes	Gilbert Police Department
Lawrence W. Scott	Paradise Valley Police Department
Jeffrey A. Streeter	Goodyear Police Department
Robert M. Zapata	Phoenix Police Department

- b. Instructor Certification Renewals: LIST ATTACHED TO MINUTES.

- c. Training Program Confirmations: Agency requests were reviewed by staff and found to comply with Board guidelines. Programs were confirmed as requested. LIST ATTACHED TO MINUTES.

6. Decertification Case Status Report Update – As of October 28, 2005, the Compliance and Standards Unit has a caseload of 147 active cases. Sixteen cases are ready for initial presentation; 74 cases need further investigation; 26 cases are pending service of or response to a Notice of Complaint or Decision; 8 cases are pending hearing; 9 cases are ready for final action, and 30 cases are waiting for outside action, i.e., a criminal trial or civil service hearing.

7. Income and Expense Statement – September 2005

Funds as of September 1, 2005	\$ 1,129,810.94
CJEF Revenue	525,895.46
Expenditures/Encumbrances	(390,470.53)
Balance for September 30, 2005	\$ 1,265,235.87

D. REGULAR AGENDA

1. Chandler-Gilbert Community College Academy. Each Board member received a letter from Chandler-Gilbert Community College soliciting support for the creation of a POST-approved academy program at that institution. Staff has been in communication with Chandler-Gilbert representatives, and they are working with them in support of their request.
2. Academy Audit – Arizona Law Enforcement Academy (ALEA). To ensure compliance with R13-4-114 and R13-4-116, an audit of the basic training program at ALEA began in June 2005 and completed on August 30, 2005. It was an on-site inspection focusing on facility requirements, reports and records, and administrative and academic requirements. The academy meets standards, which includes organizational support, facilities, lesson plans, instructors and administration.
3. Report by Dr. Charles Loftus relating to his research on POST decertification decisions. Dr. Charles Loftus presented a brief report of his findings on his doctoral dissertation “Beyond the Thin Blue Line: Explaining Decision Outcomes of the Arizona Peace Officer Standards and Training Board in Peace Officer Decertification Cases”. Dr. Charles Loftus researched AZ POST revocation decisions from 1997 to 2001.
4. Instructor Software for the Driver Training Simulators – Budget Adjustment. Staff requested an adjustment to the 2005/2006 budget to allow the purchase of recently developed instructor assistance software for the Driver Training Simulators.

Chief Sheridan made a motion that the FY 2005/2006 budget be amended by \$46,000 for the purchase of the EVOC-101 software, seconded by Ms. Reckart, motion carried unanimously.

E. LEGISLATIVE UPDATE

No report.

F. SUMMARY OF CURRENT EVENTS

Deputy Director Mann took this opportunity to present Monica Lanning with a plaque in appreciation of her five years of outstanding service to the Arizona Regional Community Policing Institute.

G. COMMITTEE UPDATE

A public hearing on POST rule changes was scheduled on this date at 8 a.m. No one came forward with any comments to the rule changes, and the meeting was adjourned at 8:15 a.m. The rule changes will be presented to GRRRC at their January 10th meeting, and staff believes the changes will go into effect on July 10th.

H. REPORTS

1. Basic Training

ALEA – Deputy Director Mann reported that ALEA currently has four classes in session, with 168 cadets representing 46 agencies. The covered shade over the parade grounds has been completed, and classrooms have been given new audio visual equipment. The attrition rate at ALEA has been reduced to 15-20% which is standard for most academies. POST is very pleased with Commander Nyhart's efforts at ALEA.

CARLOTA – Director Weiss reported they currently have two classes in session; Class #91 and Class #92. Class #91 started August 14th, currently with 47 cadets representing 21 agencies. They will graduate December 16th. Class #92 began September 11th, currently with 38 cadets, and graduation is scheduled for January 20th. Class #93 started on January 8th with 81 registered cadets, graduation scheduled for May 5th. Class #94 begins January 29th, with 50 registered cadets. The CARLOTA driving track was re-dedicated on October 18th with many guests in attendance.

COTA – Commander Branch reported that since the last Board meeting, COTA has graduated 131 cadets out of 154 starts. Attrition rates are still a concern, and staff continues to work on that problem. There have been several experienced cadets coming into the academy, and COTA has used the POST waiver program to get them through the academy in a few weeks instead of the usual nine weeks. This has resulted in a significant savings to the state. Also, on January 27th COTA will host a 20-year dedication ceremony for the academy.

NARTA – Commander Bacon reported that Class #19 is still in session, and will graduate December 9th with 33 recruits. Class #20 is scheduled to begin January 16th and has an extensive waiting list. Beginning with Class #20, class size will be extended to 40 cadets. NARTA continues to discuss the possibility of having

three full academy classes per year. Hopefully by next fall's semester the reserve academy program will be re-instituted. The driving track project continues. NARTA has been in contact with AZ POST concerning requirements for the track, and they have formed a committee of lead instructors to work with the AZ POST driving track SME group in creating a design for the new track. Central Yavapai Fire has just signed a contract with an architect for the project, and NARTA hopes to have the driving track plans included in their project by January. NARTA will come before the Board at a future date with a request to help fund this project. Commander Bacon announced that he has been promoted within his agency and has resigned his position as academy commander. Captain John Russell from Yavapai County Sheriff's Office has been selected as the new commander for NARTA.

SALETC - Lt. Terry Parish reported that on October 3rd they started with a class of 90 cadets; the largest class they have ever had. Currently they have 78 cadets remaining, and Lt. Parish said this is one of the best classes he has seen at SALETC, and he attributes that to the informal leadership this class has shown. This class is scheduled to graduate January 19th. Lt. Parish announced this will be his last class at SALETC since the Pima County Sheriff's Office is starting up their own academy.

2. Arizona Police Corps – Reporting for Director Heiden, Deputy Director Mann reported that Arizona Police Corps has one cadet going through the process in North Carolina. Police Corps is not listed in the submitted budget, and staff is uncertain about the future of the program.
3. Department of Corrections – Deputy Director Phelps reported that the competition for detention and corrections officers continues to be intense. ADC currently has a 30% vacancy rate at most of the complexes. They have gone to 100% overtime; approximately 1/3 of the shifts are mandated overtime. ADC is going to pilot 12-hour shifts at a few of complexes to see if that does not help in the retention of officers.
4. Arizona Regional Community Policing Institute – Sgt. Mark Yoshimura reported that Executive Director Covey and Sgt. Christel Boeck met with the Governor's Commission to Prevent Violence Against Women. Rod is a member of the Commission, and Christel has been training in domestic violence issues for the AZRCPI. Their purpose was to update the Commission on the new revised curriculum for domestic violence that is now being used in all of the police training academies across the state. They presented the

Commission members with a copy of a CD which has the lesson plan and the videos as well as the PowerPoint presentation. This was extremely well received by the Commission members. In addition, they gave the Commission members a list of all of the academy directors in the hope they will contact the directors and hopefully participate in some of the training in the curriculum. It would be very effective if to have the victims, advocates and the practitioners along side with the police officers actually doing the training.

The AZRCPI is very excited to announce they have been one of eight RCPI's selected to acquire two training officers from the FBI to assist them in administering and participating in training of the RCPI curriculum as well as other curricula that the individual trainers from the FBI may have expertise in.

The AZRCPI is continuing their training in the areas of Domestic Violence, DNA Testing, Anti-Terrorism, Human Trafficking, Ethics and Integrity, Volunteers in Police Service, and Crime Abatement. Also, two Town Halls are scheduled for January in Buckeye and Eager.

I. FINAL ACTION CASES: Consideration and possible action on the certified status of peace officers.

Case #1 – Joseph J. Bommarito. Chief Sheridan made a motion to adopt the Findings of Fact and Conclusions of Law and suspend peace officer certification for one year beginning November 16, 2005, seconded by Chief Harris, motion carried with 1 nay vote.

Case #2 – Bennett L. Brooks – Ms. Flores made a motion to adopt the Consent Agreement, Order and Decision and suspend peace officer certification for one year from termination, November 18, 2004 to November 18, 2005, seconded by Chief Huntsman, motion carried unanimously.

Case #3 – Ray B. Duran – Chief Sheridan made a motion to adopt the Consent Agreement, Order and Decision for voluntary relinquishment of peace officer certification, seconded by Ms. Reckart, motion carried unanimously.

Case #4 – Deshaun W. Hagen – *Chief Gillette-Stroud recused herself from participation and voting on this case.* Chief Sheridan made a motion to adopt the Findings of Fact and Conclusions of Law and deny peace officer certification, seconded by Ms. Reckart, motion carried unanimously.

Case #5 – Tommy W. Kanuck – *Mr. Duarte recused himself from participation and voting on this case.* Ms. Flores made a motion to adopt the Consent Agreement, Order and Decision and suspend peace officer certification for 6 months, beginning May 23, 2005 to November 23, 2005, seconded by Sergeant Villar, motion carried unanimously.

Case #6 – Steven J. Muell – Chief Harris made a motion to adopt the Consent Agreement, Order and Decision and suspend peace officer certification for 1 year, beginning October 13, 2004 to October 12, 2005, seconded by Chief Huntsman, motion carried unanimously.

Case #7 – Ricardo P. Ricardes – Chief Sheridan made a motion to adopt the Findings of Fact and Conclusions of Law and suspend peace officer certification for 1 year, beginning November 16, 2005 to November 16, 2006, seconded by Ms. Flores, motion carried unanimously.

Case #8 – Jacob E. Wycoff – Sergeant Villar made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Mr. Duarte, motion carried unanimously.

Case #9 – Timothy T. Yazzie – This case was tabled.

J. CHARGING CASES: Consideration of Complaints against peace officer certification based upon reports of misconduct.

Case #1 – Matthew Acosta. Ms. Flores made a motion to initiate proceedings and changing the wording on the Case Overview from “imprisoned” to “restrained”, seconded by Chief Sheridan, motion carried unanimously.

Case #2 – Steven C. Aleman. Chief Huntsman made a motion to initiate proceedings, seconded by Ms. Reckart, motion carried unanimously.

Case #3 – Nathaniel R. Dickson. Chief Sheridan made a motion to close the case with No Action with Agency Discretion, seconded by Mr. Duarte, motion carried with 1 nay vote.

Case #4 – Brandon M. Elias. Chief Sheridan made a motion to close the case with No action with Agency Discretion, seconded by Chief Huntsman, motion carried with 1 nay vote.

Case #5 – Octavio I. Gomez. *Detective Thompson recused himself from participation and voting on this case.* Chief Sheridan made a motion to close the case with No Action with Agency Discretion, seconded by Mr. Duarte, motion carried with 1 nay vote.

Case #6 – David R. Thompson. Chief Sheridan made a motion to close the case with No Action with Agency Discretion, seconded by Mr. Phelps, motion carried with 1 nay vote.

Case #7 – Jesus A. Garcia. Chief Harris made a motion to initiate proceedings, seconded by Sergeant Villar, motion carried unanimously.

Case #8 – Thomas A. Garvin. Sergeant Villar made a motion to initiate proceedings, seconded by Chief Huntsman, motion carried unanimously.

Case #9 – Robert A. Gates. Chief Harris made a motion to initiate proceedings, seconded by Chief Sheridan, motion carried unanimously.

Case #10 – Robert E. Purdy. Chief Harris made a motion to initiate proceedings, seconded by Chief Sheridan, motion carried unanimously.

Case #11 – Joseph A. Gonzales. Chief Sheridan made a motion to close the case with No Action, seconded by Mr. Phelps, motion carried with 1 nay vote.

Case #12 – Patricia A. Manos. *Chief Gillette-Stroud recused herself from participation and voting on this case.* Chief Sheridan made a motion to initiate proceedings and to strike #1 and #2 under Alleged Conduct, and strike R13-4-109(A)(7) under Violation of POST Rules, seconded by Chief Huntsman, motion carried unanimously.

Case #13 – Brad L. Moore. *Ms. Reckart recused herself from participation and voting on this case.* Ms. Flores made a motion to initiate proceedings, seconded by Chief Sheridan, motion carried unanimously.

Case #14 – Luis Robles. Chief Gillette-Stroud made a motion to initiate proceedings, seconded by Mr. Phelps, motion carried unanimously.

Case #15 – John W. Stolarz. Sergeant Villar made a motion to close the case with No Action, seconded by Chief Huntsman, motion carried with 4 nay votes.

Case #16 – Ronald M. Welton. Chief Sheridan made a motion to close the case with No Action with Agency Discretion, seconded by Ms. Reckart, motion carried unanimously.

K. ADJOURN

Chairman Butler adjourned the meeting at 11:50 p.m.

Dated November 18, 2005

Lois Sherlock, Recording Secretary